

REMARKS

Claims 1-49 were pending and remain unchanged.

I. Withdrawn Restriction Requirement and Species Election

Applicants gratefully acknowledge the indication in the Office Action that the previous restriction requirement and species elections have been withdrawn. Applicants do note for the record, however, that support does exist in the present application for, *inter alia*, species of formula II wherein Z is phosphate. See, for example, the Specification at page 3 (the last line before the Detailed Description of the Invention), page 4 (second to last paragraph) and claim 5 as filed.

II. Rejections Under 35 U.S.C. § 112, First Paragraph

Claim 46 has been rejected under 35 U.S.C. § 112, first paragraph, as purportedly failing to comply with the written description requirement. However, Applicants respectfully request clarification, as it is not fully clear which claim is being rejected in the Office Action.

In particular, the Office Action at page 2 indicates that claim 49 is rejected, and this appears to be consistent with handwritten corrections on page 3 (second to last line), page 4 (last line) and page 5 (middle of the page). However, other passages in the Office Action appear to indicate that claim 48 is being rejected (see, for example, page 4 at the last line of the first full paragraph, and page 5, the paragraph that begins with, "The metes and bounds. . . ." It is unclear whether the Examiner intended to correct these instances of claim 48 to claim 49, or whether both claims are rejected. Applicants respectfully request clarification.

III. Rejection of Claims 1-11, 19-24, 42 and 44 Under 35 U.S.C. § 102(b)

Claims 1-11, 19-24, 42 and 44 have been rejected under 35 U.S.C. § 102(b) as purportedly anticipated by WO 02/058,649, the translated text of which was previously provided (“WO ‘649”). Applicants respectfully traverse because, *inter alia*, it is Applicants’ belief that WO ‘649 is not a valid reference under 35 U.S.C. § 102(b), as Applicants were in possession of the present invention before the earliest effective filing date of WO ‘649. If necessary, Applicants would be willing to provide a Declaration to attest that they were in possession of the claimed invention before the earliest effective filing date of WO ‘649 (that is, before January 26, 2001).

IV. Rejection of Claims 1-14, 25-29, 35-44 and 45-48 Under 35 USC § 102(b)

Claims 1-14, 25-29, 35-44 and 45-48 have been rejected under 35 U.S.C. § 102(b) as purportedly anticipated by WO 02/058,660, the translated text of which was previously provided (“WO ‘660”). Applicants respectfully traverse because, *inter alia*, it is Applicants’ belief that WO ‘660 is not a valid reference under 35 U.S.C. § 102(b), as Applicants were in possession of the present invention before the earliest effective filing date of WO ‘660. If necessary, Applicants would be willing to provide a Declaration to attest that they were in possession of the claimed invention before the earliest effective filing date of WO ‘660 (that is, before January 26, 2001).

V. Rejection of Claims 1-14, 25-29 and 35-48 Under 35 U.S.C. § 102(b)

Claims 1-14, 25-29 and 35-48 have been rejected under 35 U.S.C. § 102(b) as purportedly being anticipated by WO 02/058,648, the translated text of which was previously provided (“WO ‘648”). Applicants respectfully traverse because, *inter alia*, it is Applicants’ belief that WO ‘648 is not a valid reference under 35 U.S.C. § 102(b), as Applicants were in possession of the present invention before the earliest effective filing date of WO ‘648. If necessary, Applicants would be willing to provide a Declaration to attest that they were in possession of the claimed invention before the earliest effective filing date of WO ‘648 (that is, before January 26, 2001).

VI. Rejection of Claims 1-14, 25-29 and 35-48 Under 35 U.S.C. § 102(b)

Claims 1-14, 25-29 and 35-48 have been rejected under 35 U.S.C. § 102(b) as purportedly being anticipated by WO 02/058,661, the translated text of which was previously provided (“WO ‘661”). Applicants respectfully traverse because, *inter alia*, it is Applicants’ belief that WO ‘661 is not a valid reference under 35 U.S.C. § 102(b), as Applicants were in possession of the present invention before the earliest effective filing date of WO ‘661. If necessary, Applicants would be willing to provide a Declaration to attest that they were in possession of the claimed invention before the earliest effective filing date of WO ‘661 (that is, before January 26, 2001).

VII. Rejection of Claim 15 Under 35 U.S.C. § 103(a)

Claim 15 has been rejected under 35 U.S.C. § 103(a) as purportedly being obvious in view of the combination of WO ‘661 and U.S. Patent No. 6,221,817 (“the ‘817 patent”). Applicants respectfully traverse, because as stated previously, WO ‘661 is not a valid reference,

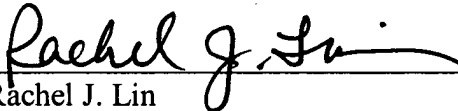
as Applicants were in possession of the present invention before the earliest effective filing date of WO '661. Thus, the combination of WO'661 and the '817 patent under 35 U.S.C. § 103(a) is improper. For at least these reasons, Applicants respectfully submit that this rejection should be withdrawn.

In light of the above remarks, it is believed that all issues raised by the Examiner have been addressed. Should any outstanding issues remain, the Examiner is invited to contact Applicants' attorneys at the telephone number listed below.

The Director is hereby authorized to charge the extension fee in the appropriate amount of \$1,050.00, or credit any overpayment to Deposit Account No. 03-1250.

Respectfully submitted,

Date: February 27, 2008

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